

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM WALKER,

Plaintiff,

v.

HOLLAND AMERICA LINE – USA, INC.;
HOLLAND AMERICA LINE, INC.; and
HOLLAND AMERICA LINE N.V. dba
HOLLAND AMERICA LINE N.V., LLC,

Defendants.

No. 2:16-cv-00155 BSL *MJP*

**STIPULATED MOTION AND
~~REPLY~~ ORDER FOR
MODIFICATION OF PRE-TRIAL
DEADLINES**

The undersigned parties respectfully move the Court for an order modifying specific pre-trial deadlines due to unforeseen medical conditions and the unavailability of the subject vessel for inspection. The trial of this case is currently set for June 18, 2018.

The parties in this case have been working together and continue to cooperate to schedule discovery needed by all parties, and to obtain reports of expert witnesses based upon that still-needed discovery.

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UNFORESEEN MEDICAL CONDITIONS

Deadlines have been previously extended due to Plaintiff's on-going medical treatment, needs of both sides to conduct discovery and obtain expert witness opinions after Plaintiff's anticipated surgery, and the desire of the parties to try to resolve the case once medical treatment has concluded. Plaintiff is seventy three years old, and has undergone major medical treatment, including a major surgery, this year for conditions unrelated to this case. Complications from the surgery earlier this year have delayed surgery for the injuries alleged by Plaintiff in this case. That case-related shoulder surgery that was expected to be performed in October 2017 has yet again been postponed due to Plaintiff's heart condition and the inability to perform the surgery until he is physically strong enough to proceed. After the surgery, the parties will be able to finalize discovery, obtain expert opinions regarding damages, and discuss settlement options.

AVAILABILITY OF THE SUBJECT VESSEL FOR INSPECTION

The parties need to conduct an inspection of the vessel involved in the accident at issue in this case. The vessel has been in Europe and unavailable for reasonable inspection this year. The vessel will be returning to American waters and available for inspection in San Diego on January 20, 2018. Expert opinions for both parties regarding liability issues will rely on the outcome of the vessel inspection on January 20, 2018.

PROPOSED DEADLINES TO PRESERVE TRIAL DATE

The parties and counsel state that the request for this continuance does not result from any lack of diligence on the parties' or counsels' part.

Counsel for the parties have discussed how to allow both sides to conduct needed discovery, obtain expert opinions, and properly evaluate settlement options, while preserving the trial date and honoring the directives of the Court regarding timing of motion practice, etc.

Neither party anticipates filing any dispositive motion, and both parties agree that if dispositive motions are necessary, the deadlines proposed below allow sufficient time for such filings. The parties therefore request that the Court continue pretrial deadlines as follows:

- Expert Reports February 28, 2018;
- Close of Fact Discovery Mar 9, 2018;
- Dispositive Motions Mar 20, 2018;
- Discovery Motions Mar 28, 2018;
- Close of Expert Discovery Mar 30, 2018

All other pretrial deadlines remaining the same:

- Motions in Limine May 14, 2018;
- Pretrial Order, Trial Briefs, Proposed Voir Dire/Jury Instructions June 6, 2018;

and

- Pretrial Conference June 8, 2018 at 1:30 pm.

DATED this 20th day of October, 2017 at Anchorage, Alaska.

JOHNSON BEARD & TRUEB, PC
Attorneys for Plaintiff

FLYNN, DELICH & WISE LLP
Attorneys for Defendants

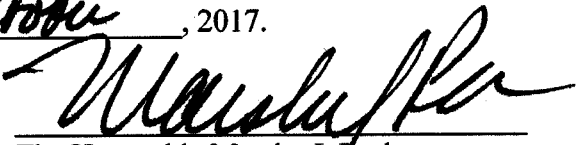
By: /s/ Lanning M. Trueb
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ORDER

THIS MATTER having come before the court upon the stipulation of the parties seeking a modification of specific deadlines prior to the trial date presently set for June 18, 2018, and the court having considered the stipulation, does hereby order the pre-trial deadlines be continued as states in the parties' motion. A revised scheduling order shall be issued.

DATED this 24th day of October, 2017.


The Honorable Marsha J. Pechman
United States District Court Judge

Presented by:
JOHNSON KAMAI & TRUEB, LLC
Attorneys for Plaintiff

/s/ Lanning M. Trueb
Lanning M. Trueb
WSBA No. 31389

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2017,
I caused a true and correct copy of the foregoing to be served by

() Hand Delivery
() U.S. Mail
() Facsimile
(x) Email
on the following:

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By: /s/ Lanning M. Trueb